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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,	CR 15-12-M-DLC
Plaintiff,	TRIAL BRIEF
vs.	
CATHLEEN CANTLON,	
Defendant.	

The United States of America hereby submits the following trial brief.

Defendant Cathleen Cantlon is proceeding to trial on January 19, 2016, in Missoula, Montana. She is charged in a two-count Indictment with interstate mailing of a firearm and ammunition (Count I) and possession of a firearm and ammunition by a person who has been committed to a mental institution

(Count II). The Indictment also seeks forfeiture of the firearm and ammunition involved in Counts I and II.

The United States anticipates calling six or seven witnesses and introducing 25 exhibits during the trial, which should last no longer than two days.

Facts. On May 18, 2015, at approximately 11:20 a.m., the U.S. Capitol Police (“USCP”) received a report from the U.S. Senate mail facility, located in Landover, Maryland, of a suspicious package discovered during the mail screening process. The package was addressed to:

Home land Security
Sentoe Johns Tester
311 Hart Senate Office Bld.
Washington, DC 20510

The return address on the package was:

Kootenai Drug True Value
4062954361
Kootenai Drug True Value
611 E. Missoula Ave.
Troy, MT 59935

The bottom of the label on the package contained a reference number and the name “Cathleen Cantlon.”

Senate mail facility staff was alerted to the package when an X-ray image revealed contents to include a handgun, knife, and some form of liquid. After the discovery of the first package, a second package with the same return address was also located. Capitol Police Hazardous Incident Response Division (“HRD”)

technicians responded to the mail facility to examine the packages. No hazards were detected on or inside either box. The contents of the first package included a loaded Taurus .22-caliber handgun, serial number QB52596, 53 rounds of .22-caliber ammunition, a holster for the firearm, a kitchen-type knife, pepper spray, a five-page, handwritten letter, vitamins, a few items of clothing, Folgers coffee crystals, two jars of coconut oil, a box of personal checks bearing Cantlon's name and address, and miscellaneous papers and mail. The second package contained items of mail and a large, manila envelope with the hand-written words "Hazard Contaminated/Dirty Bomb."

The five-page, handwritten letter in the first package is addressed to "Senator John Tester Homeland Security." The letter references mental health issues and banking issues. The letter also references receiving numerous "letter bombs and toxic poison." The final page of the letter is signed "Cathleen Cantlon, P.O. Box 1061, Troy, MT 59935, Physical Address 1771 (A) or 1661 (A) Hwy 2, Troy, MT 59935. Yvonne Hampton, Owner of Camping Spot. Cell Ph#406-291-9910. Cathleen Cantlon."

Capitol Police special agents contacted the Lincoln County Sheriff's Office, who provided an October 2014 incident report describing two firearms seized from Cantlon and later returned to her, including the Taurus Handgun that was shipped to Senator Tester. Lincoln County District Judge James B. Wheelis involuntarily

committed Cantlon to the Montana State Hospital at Warm Springs on November 3, 2014, after finding she suffered from a mental disorder within the meaning of Mont. Code Ann. § 53-21-102.¹

The Capitol Police agents interviewed employees of the Kootenai Drug True Value in Troy, Montana. One employee remembered the customer, “Cathy,” shipping the packages, and said she had a conversation with Cantlon regarding the need to tape up one of the boxes. The employee said Cantlon did not disclose that she was shipping ammunition and a firearm in the packages. The Capitol Police obtained video surveillance from the store that shows Cantlon shipping the packages on May 11, 2015. UPS tracking information shows the packages were processed in Libby, Montana on May 11, 2015, and arrived in Landover, Maryland on May 18, 2015.

Witnesses. The government intends to call six or seven witnesses, including the local and federal law enforcement officers involved in the investigation and two employees from the store in Troy. One of the law enforcement witnesses, ATF Agent Kevin Srivastava, will provide opinion testimony as an expert concerning interstate nexus.

¹ Under Montana law, a mental disorder is defined as “any organic, mental, or emotional impairment that has substantial adverse effects on an individual’s cognitive or volitional functions.” Mont. Code Ann. § 53-21-102(9)(a). “The term does not include: (i) addiction to drugs or alcohol; (ii) drug or alcohol intoxication; (iii) intellectual disability; or (iv) epilepsy.” Mont. Code Ann. § 53-21-102(9)(b).

Evidence. The evidence in this case consists of the firearm and ammunition, photos of the packages and the contents of the packages that Cantlon shipped to Maryland, photos of the firearm and ammunition, certified copies of the paperwork from Lincoln County concerning Cantlon's involuntary commitment to Warm Springs, an ATF firearms trace summary for the .22-caliber revolver, and the video surveillance from Kootenai Drug on May 11, 2015. The commitment order from Lincoln County is admissible as a public record under Fed. R. Evid. 803(8) and self-authenticating under Rule 902(4).² The United States does not anticipate any unique evidentiary issues in this case.

Legal Issues. The United States will present witnesses with direct knowledge of Cantlon's activities. The government does not anticipate any noteworthy legal issues arising during the trial.

Respectfully submitted this 14th day of January, 2016.

MICHAEL W. COTTER
United States Attorney

/s/ Timothy J. Racicot
Assistant U.S. Attorney
Attorney for Plaintiff

² The public records hearsay exception applies to a "record or statement of a public office if it sets out the office's activities and the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness." Fed. R. Evid. 803(8).

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with Local Rule CR 47.2(c). The brief contains 895 words, excluding the caption and the certificates of service and compliance.

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CERTIFICATE OF SERVICE

I hereby certify that on January 14, 2016, a copy of the foregoing document was served on the following persons by the following means:

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 - ☐ Hand Delivery
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 - ☐ E Mail
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